Remarks

The prosecution of this application has been rather lengthy and as such, the applicants are very desirous to close prosecution on this case and gain allowance. However, the art that continues to be sited against the claims of this case, even after many amendments and concessions have been made, are totally inadequate under an obviousness based rejection, and much much more when levied as sufficient to provide rejections based on novelty. The applicants have incurred the added expense of interviewing this case to further it towards allowance but, now find they are facing a final office action citing art that is no more relevant than previously cited art.

In preparation for filing an appeal for this case, the applicant is submitting the following arguments in support of allowance of the claims as previously presented to the Office. The applicant respectfully submits that it is beyond clear that the references cited in the Office Action are insufficient to give rise to a 35 USC 102 rejection and as such, these arguments should be persuasive. Also, since no amendments are being presented in this response, there is no need for an additional search and as such, prior to filing an appeal for this case, the applicant respectfully submits that the finality of the office action can be withdrawn and the claims allowed.

Claim Rejections – 35 USC § 102

The Office has presented rejections for claims 41, 48, 49-54, 64 and 66 35 USC 102(e) as being anticipated by United States Patent Number 7,002,489 issued in the name of Denker et al.

The Office rejects claims 41 and 53 alleging that Denker discloses each and every element of the claim. The applicant respectfully disagrees with the Office and presents the following arguments in support of the allowability of the claims as they stand.

With regards to claim 41, the recited elements basically shows two categories of activity. The first activity is generating a database that correlates physical locations and cellular events during initial or set-up driving sequences. The next activity involves identifying a route on which a mobile unit is traveling by observing only cellular events and comparing those events to data that was previously stored in the database. It is also noted that this activity is conducted in a manner that does not require any modifications to the mobile devices or the telecommunication infrastructure supporting the mobile device. As recited in the claim, the data

is collected extrinsically. Furthermore the data is processed to overcome the problem of similar sequences for neighboring routes.

In contrast, Denker requires modifications to the mobile station to enable data collection, and does not teach extrinsic data collection. Denker does not raise nor handle the phenomenon of similar cell sequences for neighboring roads but rather assumes a "unique sequence" of cells for the whole coverage area.

Denker does not describe a system excluding modifications to mobile stations/cells.

Claim 41 recites the element of obtaining a new sequence of cellular network events extrinsically from the base stations or the controllers or main switching systems or communication links between them (claim 41) or simply from links between the switch and the base station controllers in a cellular network (claim 53). The term "extrinsically" does not appear in the specification but is being included in the claim as a clear summary of what is described in the specification as monitoring the base station, base station controllers, main switching systems or links. Monitoring is an extrinsic process meaning that it can include observing, detecting, watching recording etc. but does not involve altering operation or intrinsically being involved.

This is a very different approach than what is described in Denker. Denker does not describe, suggest or teach monitoring the base station, controllers or main switching systems or communication links between them. In contrast, Denker teaches a method and system that collects the data at the mobile station as shown in Fig. 6. Obviously this requires modifications to the mobile station as shown in fig. 6. Furthermore, Denker teaches either storing the data at the mobile station and processing it there, or transmission of the data to an external system as described in col. 3 lines 64-67 and col. 4 lines 1-8 and in steps 204, 206 and 212 in Fig. 2. Transmitting the data from a mobile station is a specific data transfer for this purpose involves additional cost per data transfer, whereas collecting the data extrinsically from the fixed components of the cellular network, such as base station, base station controller, main switching systems or communication links between them does not involve any additional data transfer, but rather monitoring of data that flows through these network elements.

Denker does not describe addressing similar sequences for neighboring routes issues.

Denker does not mention at all the phenomena of a sequence of handovers that may match 2 different roads or more. As the Office points out, col. 3 lines 55-67 teaches that the mobile station assigns a unique identifier to the base station, however if two or more roads pass within the coverage areas of several adjacent base stations then all these roads will have the same "unique identifiers" for the area covered by these base stations. Denker does not consider or mention such a phenomena at all and, of course, does not suggest or teach a solution to such a problem which is EXACTLY what the current claims recite stating:

> "…whereas the data is processed to overcome the problem
> of similar sequences for neighboring routes".

Denker only covers the case in which the "unique identifier" or "unique sequence" is indeed unique for the whole area under coverage, whereas the current invention teaches how to handle the case of similar sequences for neighboring roads.

Thus, the applicant respectfully submits that claim 41, without any further amendments, is presently allowable.

With regards to claim 53, the applicant respectfully submits that the above-arguments equally apply. As such, the applicant submits that claim 53 is allowable.

With regards to claims 48, 49-52, 54, 64 and 66, these are dependent claims depending from allowable claims 41 or 53 and as such, are also in condition for allowance.

Claim Rejections – 35 USC § 103

The Office has presented rejections for claims 47 under 35 USC 102(a) as being unpatenable over United States Patent Number 7,002,489 issued in the name of Denker et al. in view of United States Patent Number 6,052,598 issued to Rudrapatna et al.

Without addressing the particulars of this position, the applicant submits that since claim 47 depends from allowable claim 41, it is also in condition for allowance.

The Office has presented rejections for claims 47 under 35 USC 102(a) as being unpatenable over United States Patent Number 7,002,489 issued in the name of Denker et al. in view of United States Patent Application Publication Number 20060072501 in the name of Toshimitsu et al.

Without addressing the particulars of this position, the applicant submits that since claims 60-62 depend from allowable claim 41, it as such, are also in condition for allowance.

Allowable Subject Matter

The Office has indicated that claims 42-46, 56-59, 65 and 67 are objected to for being based on a rejected claim but that if rewritten in independent form would be allowable. However, as presented above, the applicant submits that these claims actually depend from allowable base claims and as such are also in condition for allowance as is.

If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

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